

Manufactured Housing Division

2009 Enforcement Orders

Subject: All Valley Homes
Order No.: MHD20090027
Type of Order: Default Order

License No.: Not Licensed
Date issued: December 17, 2009
Complaint No.: MHD2009000247-LRV

Penalty: \$1,500.00 administrative penalty; All Valley Homes must hire a licensed installer to correct the 1 installation deviation on the manufactured home within 30 days.

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.101(d) by acting as an installer in this state without holding an installer's license.

Subject: Palm Harbor Manufacturing, LP
Order No.: MHD20090026
Type of Order: Consent Order

License No.: MHDMAN000366
Date issued: December 1, 2009
Complaint No.: MHD2009000144-W

Penalty: Completion of all items in the order to come into compliance with the two previous warranty orders issued; provide the required documentation and fees to the Department to acquire a Texas Seal in order to identify this manufactured home.

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.356(e) by failing to comply with the report and order of the director by not appearing at the complainant's home on July 30, 2009.

Subject: DKS Investment, LP
Order No.: MHD20090025
Type of Order: Consent Order

License No.: RBI-34490
Date issued: November 20, 2009
Complaint No.: MHD2009000485-LRV

Penalty: \$1,500.00 administrative penalty.

Type of Violation: 1 violation of TEX. ADMIN. CODE § 80.30(f) by failing to conspicuously disclose the license number in an advertisement other than a sign/display advertisement at a licensed location, point of sale literature, or a price tag.

Subject: Gulf Coast Modular Home Specialists
Order No.: MHD20090024
Type of Order: Consent Order

License No.: Not Licensed
Date issued: November 20, 2009
Complaint No.: MHD2010000101-LRV

Penalty: License issued as a Probationary License for 2 years.

Type of Violation: Gulf Coast Modular Home Specialists violated the following statutes:

TEX. OCC. CODE ANN. § 1201.551(a)(7) by providing false information on an application, report, or other document filed with the Department; and TEX. OCC. CODE ANN. § 1201.551(a)(8) by acquiring a criminal record during the five-year period preceding the application date that makes the respondent unfit for licensure.

Subject: Henri E. Eckhardt III
Order No.: MHD20090023
Type of Order: Consent Order

License No.: RBI-34448
Date issued: November 13, 2009
Complaint No.: MHD2010000100-LRV

Penalty: License re-issued as a Probationary License for 2 years.

Type of Violation: Henri E. Eckhardt III violated the following statutes:

TEX. OCC. CODE ANN. § 1201.551(a)(7) by providing false information on an application, report, or other document filed with the Department; and TEX. OCC. CODE ANN. § 1201.551(a)(8) by acquiring a criminal record during the five-year period preceding the application date that makes the respondent unfit for licensure.

Subject: J&F Trucking
Order No.: MHD20090022
Type of Order: Default Order

License No.: Not Licensed
Date issued: October 30, 2009
Complaint No.: MHD2009000196-LRV

Penalty: \$1,500.00 administrative penalty; J&F Trucking must hire a licensed installer to correct the three installations deviations on the manufactured home within 30 days.

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.101(d) by acting as an installer in the state without holding an installer's license.

Subject: Affordable Space Mobile Home Moving
Order No.: MHD20090021
Type of Order: Amended Consent Order

License No.: MHDRET00032825
Date issued: October 6, 2009
Complaint No.: MHD2008000134-LRV
MHD2008000327-LRV
MHD2008000080-LRV

Penalty: License suspended and placed on 2 year probation with the reissuance of Probationary License No. MHDRET00032825; \$9,500.00 administrative penalty if Affordable Space Mobile Home Moving fails to comply the Texas Occupations Code or the Texas Administrative Code during the two year probation period.

Type of Violation: Affordable Space Mobile Home Moving violated the following statutes:

TEX. OCC. CODE ANN. § 1201.451 by failing to provide a good and marketable title to a manufactured home; TEX. OCC. CODE ANN. § 1201.551(a)(3) by failing repeatedly to file with the department a completed application for a statement of ownership and location before the 60th day after the date of the sale of a manufactured home as required by Section 1201.206; TEX. OCC. CODE ANN. § 1201.551(a)(4) by failing to give a manufactured home warranty required by this chapter; TEX. OCC. CODE ANN. § 1201.153(a), by failing to provide to the consumer a Formaldehyde Health Notice; TEX. OCC. CODE ANN. § 1201.256(d) by failing to provide the consumer the required Wind Zone Regulation; and TEX. OCC. CODE ANN. § 1201.455 by failing to provide the consumer the required Written Disclosure and Warranty of Habitability.

Subject: Quality Wholesale Homes Southwest
Order No.: MHD20090020
Type of Order: Default Order

License No.: RBI-36142
Date issued: September 21, 2009
Complaint No.: MHD2009000484-LRV

Penalty: Revocation of License

Type of Violation: Quality Wholesale Homes Southwest willfully and knowingly failed to comply with the Default Oder MHD20090010 issued on May 4, 2009.

Subject: Palm Harbor Homes, Inc
Order No.: MHD20090019
Type of Order: Consent Order

License No.: RBI-2572
Date issued: September 18, 2009
Complaint No.: MHD2009000172-LRV

Penalty: \$1,500.00 administrative penalty; \$150.00 for the habitability inspection fee; \$55.00 for the applicant processing fee.

Type of Violation: Palm Harbor Homes, Inc violated the following statutes:
TEX. OCC. CODE ANN. § 1201.451 by failing to provide a good and marketable title to a manufactured home; TEX. OCC. CODE ANN. § 1201.206(c) by failing to provide not later than the 30th day after the date of the retail sale, the completed application for the issuance of a statement of ownership and location; TEX. OCC. CODE ANN. § 1201.2076 by failing to complete a habitability inspection on the home since the home is being converted from real property to personal property.

Subject: Big John's Mobile Homes Transport
Order No.: MHD20090018
Type of Order: Consent Order

License No.: RBI-35508
Date issued: August 24, 2009
Complaint No.: MHD2009000146-IV
MHD2009000378-IV
MHD2009000453-IV

Penalty: License placed on a 2 year probated suspension; \$10,000 administrative penalty of which \$3000.00 will be paid within 30 days and \$7,000.00 will be dismissed if no violation occurs during the probation period.

Type of Violation: Big John's Mobile Homes Transport violated the following statutes:
TEX. OCC. CODE ANN. § 1201.354 by failing to take appropriate corrective action within a reasonable period as required by the Department rules to fulfill a written warranty obligation; and TEX. OCC. CODE ANN. § 1201.356(e) by failing to comply with the report and order of the Director.

Subject: Rodco Housing, Inc
Order No.: MHD20090017
Type of Order: Default Order

License No.: RI-33711
Date issued: July 24, 2009
Complaint No.: MHD2009000151-LRV

Penalty: \$500.00 administrative penalty

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.451 by failing to provide a good and marketable title to a manufactured home.

Subject: MH Mobile Homes, LLC
Order No.: MHD20090016
Type of Order: Default Order

License No.: RBI-36156
Date issued: July 24, 2009
Complaint No.: MHD2009000259-LRV

Penalty: \$250.00 administrative penalty

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.451 by failing to provide a good and marketable title to a manufactured home.

Subject: Fleetwood Homes of Texas, Inc
Order No.: MHD20090015
Type of Order: Consent Order

License No.: M-379
Date issued: July 22, 2009
Complaint No.: MHD2008000398-W

Penalty: \$500.00 administrative penalty

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.356(e) by not complying with a report and order of the director.

Subject: Al/Tex Homes, Inc
D/B/A Southern Energy Homes of Texas

License No.: M-301

Order No.: MHD20090014
Type of Order: Consent Order

Date issued: July 22, 2009
Complaint No.: MHD2008000361-W

Penalty: \$500.00 administrative penalty

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.356(e) by not complying with a report and order of the director.

Subject: AMHS Mobile Home Parts/Service
Order No.: MHD20090013
Type of Order: Consent Order

License No.: Not Licensed
Date issued: July 21, 2009
Complaint No.: MHD2008000723-LRV

Penalty: \$1,000.00 administrative penalty

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.101(d) by acting as an installer in this state without holding an installer's license.

Subject: Southwest Mobile Homes, L.L.C.
Order No.: MHD20090012
Type of Order: Final Order

License No.: RBI-36097
Date issued: June 12, 2009
Complaint No.: MHD2008000193-LRV

Penalty: Restitution to the consumer in the amount of \$22,000; \$3,000 administrative penalty.

Type of Violation: Southwest Mobile Homes, L.L.C. violated the following statutes:
TEX. OCC. CODE ANN. § 1201.153 by transferring ownership of a HUD-code manufactured home to a consumer without delivering to the consumer a formaldehyde health notice; TEX. OCC. CODE ANN. §

1201.206 by failing to file a completed application for the issuance of a Statement of Ownership and Location with the Department to transfer ownership of the HUD home; TEX. OCC. CODE ANN. § 1201.451 by attempting to sell, exchange, or lease-purchase a used manufactured home without appropriate transfer of a good and marketable title to the home; TEX. OCC. CODE ANN. § 1201.455(a) by selling a used manufactured home to a consumer for use as a dwelling without providing a written disclosure describing the condition of the home and of any appliances that are included in the home and a written warranty that the home is and will remain habitable until the 60th day after the later of the installation date or the date of the purchase agreement.

Subject: Southridge Enterprises, LLC

Order No.: MHD20090011

Type of Order: Consent Order

License No.: RBI-35473

Date issued: May 13, 2009

Complaint No.: MHD2008000649-LRV

Penalty: Restitution of \$6,300.00 paid to the consumer and all licensees will take an educational class.

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.356(e) by failing to comply with the report and order of the director.

Subject: Quality Wholesale Homes

Order No.: MHD20090010

Type of Order: Default Order

Complaint No.: MHD2008000577-LRV

MHD2008000718-LRV

MHD2009000046-LR

MHD2009000048-LRV

MHD2009000122-LRV

MHD2009000126-LRV

MHD2009000131-LRV

MHD2009000136-LRV

License No.: RBI-36142

Date issued: May 04, 2009

MHD2009000145-LRV

MHD2009000212-LRV

MHD2009000227-LRV

MHD2009000228-LRV

MHD2009000229-LRV

MHD2009000230-LRV

MHD2009000231-LRV

Penalty: Restitution in the amount of \$21,005.00; \$142,000 administrative penalty.

Type of Violation: Quality Wholesale Homes violated the following statutes:

TEX. OCC. CODE ANN. § 1201.101(f) by employing or otherwise using the services of a salesperson who is not licensed; TEX. OCC. CODE ANN. § 1201.151(a) by failing to refund a consumer's deposit not later than the 15th day after the date that a written request was received by the consumer; TEX. OCC. CODE ANN. § 1201.153(b) by not providing consumers a Formaldehyde Health Notice before the execution of a mutually binding sales agreement or retail installment sales contract; TEX. OCC. CODE ANN. § 1201.162(a) providing the consumer a written disclosure form promulgated by the board, in at least 12-point type that addresses matters of concern relating to costs and obligations that may be associated with home ownership, matters to be considered in making financing decisions, related to costs that may arise when purchasing a manufactured home, and the consumer's right of rescission; TEX. OCC. CODE ANN. § 1201.204(c) by failing to submit the original manufacturer's certificate following the first retail sale of a new manufactured home; TEX. OCC. CODE ANN. § 1201.206(a) by failing to provide for installation of a home and ensuring that the application for issuance of a statement of ownership and location is completed; TEX. OCC. CODE ANN. § 1201.206(b) by failing to provide to the Department the completed application for the issuance of a statement of ownership and location not later than the 60th day after the date of the retail sale; TEX. OCC. CODE ANN. § 1201.256(d) by not giving the consumer notice that the home was not designed or constructed to withstand hurricane force wind occurring in Wind Zone II or III areas; 10 TEX. ADMIN. CODE § 80.32(g) by not specifying in the applicable contract or an

accompanying written disclosure the intended date by which installation would be complete and a designated person to contact for the current status as to the intended date for completion of installation and for not ensuring that a licensed installer warranted the proper installation of the home.

Subject: Investacore Inc. d/b/a Action Homes

Order No.: MHD20090009

Type of Order: Default Order

License No.: MHDRET00036030

Date issued: April 16, 2009

Complaint No.: MHD2008000707-W

Penalty: Revocation of Probationary License, \$10,000.00 administrative penalty, and full restitution to consumer which includes the cost of the subject home, removal of the subject home, and moving expenses incurred as a result of the violation.

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.356(e) by failing to comply with the report and order of the director.

Subject: Sunrise Homes

Order No.: MHD20090008

Type of Order: Consent Order

License No.: RBI-35903

Date issued: April 16, 2009

Complaint No.: MHD2008000727-LRV

Penalty: \$500.00 administrative penalty and pay delinquent taxes on the home.

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.451(a) by failing to provide the appropriate transfer of a good and marketable title to the home.

Subject: Palm Harbor Homes, Inc

Order No.: MHD20090007

Type of Order: Consent Order

License No.: RBI-33912

Date issued: April 2, 2009

Complaint No.: MHD2009000153-LRV
MHD2009000154-LRV
MHD2009000155-LRV

Penalty: \$1,500.00 administrative penalty (\$500 per violation).

Type of Violation: 3 violations of 10 TEX. ADMIN. CODE § 80.30 for failing to conspicuously disclose subject's license number in an advertisement. Subject had a prior history of this type of violation.

Subject: James Flanigan d/b/a Trade Homes

Order No.: MHD20090006

Type of Order: Final Order

License No.: RBI-35420

Date issued: March 20, 2009

Complaint No.: MHD2006000544-LRV
Docket No. 332-09-0157

Penalty: \$500.00 administrative penalty.

Type of Violation: 1 violation of TEX. OCC. CODE ANN. § 1201.451 by attempting to sell, exchange, or lease purchase a used manufactured home without transferring a good and marketable title to the home by failing to obtain title to the home prior to sale and by failing to clear all enforceable tax liens prior to the sale of the home; 1 violation of TEX. OCC. CODE ANN. § 1201.455 by failing to give the purchaser of a used manufactured home a written disclosure describing the condition of the home and any appliances and a written warranty of habitability.

Subject: Brian Wilson
Order No.: MHD20090005
Type of Order: Final Order

License No.: MHSLSP00026135
Date Issued: March 20, 2009
Complaint No.: MHD2008000582-LRV
Docket No. 332-09-0739

Penalty: Denial of application for renewal of Salesperson's License.

Type of Violation: 1 violation TEX. OCC. CODE ANN. § 1201.551(a)(7) by providing false information on an application, report, or other document filed with the Department; 1 violation of TEX. OCC. CODE ANN. § 1201.551(a)(8) by acquiring a criminal record during the five-year period preceding the application date that makes the respondent unfit for licensure.

Subject: Bay Area Mobile Homes
Order No.: MHD20090004
Type of Order: Default Order

License No.: RBI-36021
Date Issued: March 12, 2009
Complaint No.: MHD2009000157-LRV

Penalty: Revocation of License and \$14,500.00 administrative penalty.

Type of Violation: Subject willingly and knowingly violated a Department Order in violation of TEX. OCC. CODE ANN. § 1201.551. The Order in question had 6 violations for failure to provide a good and marketable title in violation of TEX. OCC. CODE ANN. §1201.451.

Subject: Palm Harbor Homes, Inc
Order No.: MHD20090003
Type of Order: Consent Order

License No.: RBI-33478
Date issued: March 6, 2009
Complaint No.: MHD2008000626-W

Penalty: License placed on a probated suspension until July 21, 2010, \$6000.00 administrative penalty assessed, of which \$4,000.00 will be dismissed if no violation occurs during the probation period. All licensees will take an educational class, and consumer was made whole.

Type of Violation: Subject failed to comply with a report and order of the director in violation of TEX. OCC. CODE ANN. § 1201.356(e).

Subject: Oscar Duran
Order No.: MHD20090002
Type of Order: Consent Order

License No.: Not Licensed
Date issued: February 2, 2009
Complaint No.: MHD2007000683-LRV

Penalty: \$1,000.00 administrative penalty, ensure consumer is whole, Cease and Desist from unlicensed activity.

Type of Violation: Subject performed installation functions on manufactured housing without holding an installer's license in violation of TEX. OCC. CODE ANN. § 1201.101(d).